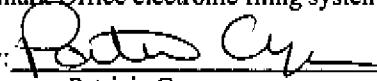


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	George Duncan Pearson	Confirmation No.	2080
Serial No.:	10/675,909		
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Group Art Unit:	3623		
Docket No.:	1021-005US02		
Title:	NODE-LEVEL MODIFICATION DURING EXECUTION OF AN ENTERPRISE PLANNING MODEL		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on October 27, 2010.

By: 
Name: Patricia Cygan

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a Pre-Appeal Brief Request for Review, based upon the failure of the Final Office Action to establish a prima facie case of obviousness under 35 U.S.C. § 103. As outlined below, the applied references fail to disclose one or more claimed elements recited in Applicant's independent claims. For at least this reason, the obviousness rejections under 35 U.S.C. § 103 are improper and must be reversed. By setting forth the clear grounds of error, Applicant does not assert that these are the only errors that the Final Office Action has made, nor does Applicant waive any arguments that may be asserted in an Appeal Brief.

The Office Action rejected claims 7–10, 12–13 and 22–23 under 35 U.S.C. § 103(a) as being unpatentable over Adaytum Software (“Adaytum”) in view of Elkin et al. (U.S. Patent Publication No. 2007/0179828, hereinafter “Elkin”), in view of J. J. Halliday et al., “Flexible Workflow Management in the OPENflow System,” (hereinafter, “Halliday”) and further in view

of Petra Heinl et al., “A Comprehensive Approach to Flexibility in Workflow Management Systems,” (hereinafter, “Heinl”). The Office Action rejected claims 24–31 under 35 U.S.C. § 103(a) as being unpatentable over Adaytum, Elkin, Halliday, and Heinl in view Du, et al. (U.S. Patent 6,308,163). Applicant respectfully traverses the rejections. The applied references fail to disclose or suggest the features defined by Applicant’s claims, and provide no apparent reason for modification to arrive at the claimed features.

Applicant’s claim 7, for example, requires modifying, by a computing device, a checked-out individual one of nodes of an enterprise planning model without preventing execution of an enterprise planning session for the nodes of the enterprise planning model that are not checked-out, wherein at least one of the nodes of the enterprise planning model that are not checked-out receives contribution data from the checked-out individual one of the nodes without taking the model offline. *See, e.g.,* Applicant’s specification, ¶¶ [051], [074]. Elkin in view of Adaytum Software, Heinl, and Halliday fails to disclose or suggest the requirements of claim 7.

The Final Office Action asserted that “the node level operation for online node to receive data from a checked-out node is readily disclosed by Heinl.” Final Office Action dated July 28, 2010, p. 4 ¶1. In support of this assertion, the Office Action cited Heinl, p. 85 col. 2 ¶1 and p. 86 col. 2 ¶5, “where allowing ‘dirty reads’ one or more of online nodes will be able to read and receive partial data from a checked-out node.” Applicant respectfully submits, however, that Heinl fails to disclose or suggest wherein at least one of the nodes of the enterprise planning model is not checked out receives contribution data from the checked-out individual one of the nodes without taking the model offline, as required by claim 7.

Heinl generally discloses checking out a workflow type such that only one person can edit the workflow type, and thus that this workflow type is locked with respect to a second person. Heinl, § 4.2.2. Applicant respectfully submits that a workflow type, as described by Heinl, is does not disclose or suggest a node of an enterprise planning model. An enterprise planning model, as required by claim 7, “defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors.” Workflow types of Heinl, on the other hand, “model business processes . . . A workflow type may be instantiated in order to represent a performing occurrence of a business process.” Heinl, § 1 (emphasis added). Accordingly, to the extent that Heinl may disclose modifying a checked out workflow type, such

disclosure is not relevant to the requirements of Applicant's claim 7, which requires modifying a checked-out individual one of nodes of an enterprise planning model.

The Final Office action further confuses the distinction between a workflow model and an enterprise planning model by incorrectly reading the language of claim 7 to require a "workflow model." Final Office Action dated July 28, 2010, p. 10. Claim 7 requires an "enterprise planning model" not a "workflow model" and therefore the disclosure of Heinl is not relevant to Applicant's claim 7.

To the extent that Adaytum may disclose nodes of an enterprise planning model, the applied references do not disclose or suggest how to apply the techniques of checking out a workflow type, as disclosed by Heinl, to a node of an enterprise planning model. Because a workflow type specifies a suitable execution path to travel from a start point to an end point,¹ a workflow type of Heinl is not associated with a set of data and cannot receive contribution data, contrary to the requirements of claim 7. Thus, the techniques described by Heinl with respect to checking out a workflow type cannot be readily combined with the disclosure of Adaytum to arrive at the requirements of claim 7.

Even if Heinl did disclose modifying a checked-out node of a model, to which Applicant does not acquiesce, Heinl still fails to disclose or suggest that at least one node of an enterprise planning model that is not checked-out receives contribution data from the checked-out individual one of the nodes without taking the model offline, as required by claim 7. In Heinl, there is no interdependency between workflow types. That is, one workflow type cannot receive data from a workflow type that is checked out while the checked-out workflow type is checked out. At most, a modeler is able to receive a specification for a workflow type to edit a separate workflow type specification. Heinl, § 4.2.2,p. 85, col. 2, ¶ 1. Editing a separate workflow type specification based on a checked-out workflow type specification does not disclose or suggest at least one node of an enterprise planning model that is not checked out that receives contribution data from a checked out individual one of the nodes of the model, without taking the model offline, as required by claim 7.

To be clear, workflow types of Heinl specify execution paths to travel from one point to another. Workflow types of Heinl, as noted above, do not store contribution data. In other

¹ Heinl, p. 81, col. 1, § 2.1 (stating that "suitable execution paths" for coming "from the start to the end point" are "directly specified in the workflow type").

words, to the extent that Heinl may disclose referencing a work type specification by concurrent modelers (e.g., Heinl, p. 85, col. 2), Heinl does not disclose or suggest receiving, with a non-checked-out node, contribution data from a checked out node of an enterprise planning model while the checked-out node is checked out. An enterprise planning model defines hierarchically arranged nodes, as required by claim 7. In addition, nodes of the enterprise planning model are associated with contribution data. Thus, in the context of claim 7, there are two types of data: 1) the definition of the model, and 2) contribution data associated with a node of the model.

The Final Office Action fails to give proper weight to the distinction between the definition of the model and the contribution data. Claim 7 distinctly claims and separately requires a node and contribution data. The Final Office Action's argument relies on construing a workflow type as both a node and as contribution data. For example, the Final Office Action improperly argues that “contribution data” is merely a non-functional descriptive label” and “as long as one node of [the] enterprise model that is not checked out [is] able to receive any data from a checked out node without taking model offline it meets the claim.” Final Office Action dated July 28, 2010, p. 4. The Final Office Action attempts to effectively read away the distinct meaning of “contribution data” in contrast to a “node” by construing contribution data as “any data.” The Final Office Action then proceeds to equate a first workflow type receiving a second workflow type to a node receiving contribution data. While a first and a second workflow type are each a workflow type, a node and contribution data cannot be similarly equated. Consequently, workflow types of Heinl do not have associated contribution data, contrary to the requirements of claim 7, and thus Heinl (even in view of the other applied references) fails to disclose or suggest a node of an enterprise planning model that is not checked out that receives contribution data from a checked-out individual one of the nodes as required by claim 7.

Halliday also fails to disclose or suggest the requirements of claim 7, e.g., that a node of an enterprise planning model that is not checked out that receives contribution data from a checked-out individual one of the nodes without taking the model offline. Similar to Heinl, Halliday is also directed to a workflow model. Halliday, Abstract. The Final Office Action cited page 7 of Halliday, asserting that tasks are individual nodes of workflow. Final Office Action dated July 28, 2010, p. 11. However, tasks of a workflow model, as discussed above with respect to Heinl, are not the same as nodes of an enterprise planning model. For example, tasks are not associated with contribution data, as required by Applicant's claim 7. Thus, to the extent that

Halliday may disclose changing tasks of a workflow model, such disclosure would not disclose or suggest the requirements of Applicant's claim 7, even in view of the other applied references.

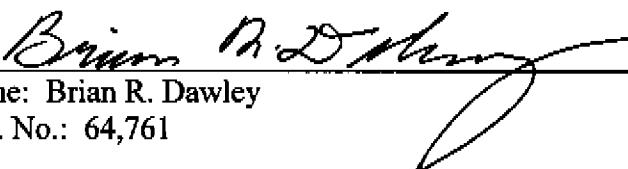
In addition, Halliday states that changes to a workflow model "must be performed consistently . . . to a workflow schema instance [and] are carried out atomically (either all changes are performed or none) with respect to the normal processing activities." Halliday, p. 7, § 2.3. A system according to Halliday cannot provide a node of an enterprise planning model that is not checked out that receives contribution data from a checked-out individual one of the nodes without taking the model offline, because all updates in the system according to Hailliday are made at the same time.

For at least these reasons, independent claim 7 is patentable over the applied references. Independent claims 24 and 28 include similar requirements, for which similar remarks apply. Therefore, claims 24 and 28 are also patentable over the applied references. The dependent claims, i.e., claims 8–10, 12, 13, 22–23, 25–27 and 29–31, incorporate the subject matter of the respective independent claims.² Accordingly, for at least the reasons discussed above, all of the pending claims are patentable over the applied references under 35 U.S.C. § 103(a). Applicant respectfully requests withdrawal of this rejection. Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

Date: October 27, 2010

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² 35 U.S.C. § 112, ¶ 4.